

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.333 OF 2006

Himanshu Chandrakant Mehta & Anr. ... Appellants

Vs.

Voltas Ltd. & Ors. ... Respondents

Ms. Vidya Bhushan h/f M.V. Morje i/b M/s. Halai & Co. for the appellants.

Mr. Avinash Joshi with Mr. Vipul Bilve i/b Mulla & Mulla for the respondent No.1.

CORAM : A.M. KHANWILKAR, J.

DATED : 13TH JULY, 2006.

P.C.:-

I find substance in the stand taken on behalf of the respondents that the Notice of Motion which was moved before the lower court and pressed in terms of prayer clause (a) has now become infructuous. This is so because on affidavit, it is stated that the respondents have already created third party interest in the subject property. Accordingly, it will be open to the appellants to take recourse to such other proceedings for appropriate reliefs as may be advised. Those proceedings will have to be decided on its own merits.

Appeal is disposed of in the aforestated terms.

[A.M. KHANWILKAR, J.]